

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-2226V

UNPUBLISHED

EZRA ZAKOO,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 18, 2022

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu);  
Tetanus-Diphtheria-Acellular  
Pertussis (Tdap); Guillain-Barré  
syndrome ("GBS").

*Jessica A. Olins, Maglio Christopher & Toale, PA, Washington, DC, for Petitioner.*

*Jennifer A. Shah, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On November 30, 2021, Ezra Zakoo filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, *et seq.*<sup>2</sup> (the "Vaccine Act"). Petitioner alleges that following receipt of an influenza ("flu") vaccine on September 28, 2019, and a tetanus-diphtheria-acellular pertussis ("Tdap") vaccine on October 2, 2019, he developed Guillain-Barré syndrome ("GBS") within the timeframe set forth in the Vaccine Injury Table, 42 C.F.R. § 100.3. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On October 16, 2022, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent states that Petitioner has satisfied the criteria set forth in the Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation ("QAI") for GBS following receipt of a flu vaccine. *Id.* at 7-8 (citing 42 C.F.R. §§ 100.3(a), (c)(15)). Respondent further agrees that the case was timely filed; that Petitioner received his vaccination in the United States; that Petitioner satisfied the statutory severity requirement by suffering the residual effects or complications of his injury for more than six months after vaccine administration; and that there is no evidence of a factor unrelated that is a more likely cause of Petitioner's injury. *Id.* at 7 (internal citations omitted).

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master